



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Michael Martin, DVM
State Veterinarian

May 29, 2026

PetSmart, LLC
19601 N. 27th Avenue
Phoenix, AZ 85027
Attn: Legal/Licensing
And via email
hrsharedservices@petsmart.com

NOTICE of WARNING and NOTICE of VIOLATION

Re: VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (“NCAC”) CHAPTER 52J SECTIONS .0102(1), (3), and (5); .0201(a), (b), (d)(1), (2), and (4), and (g); .0202(b)(2) and (3), and (d); .0204(a), (b), (c), and (h); .0207(d)(1), (2), (3), (4), and (7); and .0209(2).

AWS-WL-2026-5

**Facilities: PetSmart #595 Pets Hotel License Number #10854
PetSmart #595 License Number #10490
PetSmart #594 License Number #10855**

Dear Legal Team:

On March 31, 2026, the Animal Welfare Section (“AWS”) of the NC Department of Agriculture & Consumer Services (“NCDA &CS”) conducted a Facility Compliance Inspection (“FCI”) of the PetSmart #595 Pets Hotel boarding kennel (“the kennel”). This FCI was marked as “Disapproved” due to the number and severity of the violations of the NC Animal Welfare Act (“AWA”) and its associated rules. The violations included the following:

1. In violation of 02 NCAC 52J .0102(3), the kennel failed to document the strength/concentration for medications administered to animals in their care;
2. In violation of 02 NCAC 52J .0201(d)(4), the kennel failed to store clean laundry and bedding in sealed containers or in cabinets with doors;
3. In violation of 02 NCAC 52J .0201(g), the kennel failed to have functional room thermometers in the cat room and special care room;
4. In violation of 02 NCAC 52J .0202(b)(2) and (3), the kennel did not have sufficient air flow to minimize moisture condensation as biological growth that appeared to be mold was present on the metal ceiling vents. This biological growth was evident throughout the facility including the cat room;

5. In violation of 02 NCAC 52J .0204(a), the following surfaces with which the animals have contact were not impervious to moisture and could not be easily sanitized:
 - a. the damaged dog beds;
 - b. the areas where the caulking was missing or inadequate;
 - c. the unsealed and/or damaged floors in the enclosures, walkways and exercise areas;
 - d. the kennels with the white corrosion present;
 - e. the damaged blue fabric pads; and
 - f. the kennel was previously cited for these violations for some of the non-impervious surfaces in the July 10, 2024 FCI report;
6. In violation of 02 NCAC 52J .0204(b), the kennel was allowing the dogs access to the wooden clipboards. These clipboards must be replaced with ones made of material that is impervious to moisture and that can be easily sanitized;
7. In violation of 02 NCAC 52J .0204(c), the damaged dog beds and play accessory equipment had holes and damaged areas that posed a risk of injury to the animals in these enclosures and exercise areas;
8. In violation of 02 NCAC 52J .0207(d)(3)(B), the primary enclosures that had white corrosion present could not be properly sanitized;
9. In violation of 02 NCAC 52J .0207(d)(4), the kennel failed to properly clean and/or sanitize the floors at the sides of the kennel walls and walls of the exercise areas as these areas had a thick build-up of hair and debris; and
10. A review of AWS inspection reports showed that this facility does not have an “Approved” FCI for the 2025-2026 licensing year. The boarding kennel license cannot be renewed once it expires on June 30, 2026 until the violations have been corrected so that the kennel achieves an “Approved” FCI report.

On May 18, 2026, AWS conducted a follow-up FCI for the PetSmart #595 Pets Hotel boarding kennel. This FCI was marked as “Disapproved” due to the number, severity, and repetitive nature of the violations of the AWA and its associated rules. The violations included the following:

1. In violation of 02 NCAC 52J .0102 (3), the kennel continued to fail to document the strength/concentration for medications administered to animals in their care;
2. In violation of 02 NCAC 52J .0201(d)(4), the kennel continued to fail to store clean laundry and bedding in sealed containers or in cabinets with doors;
3. In violation of 02 NCAC 52J .0202(b)(2) and (3), the kennel continued to have insufficient air flow to minimize moisture condensation. The humidity level was measured at 80%. A review of the work order generated on April 11, 2026 documented that the contractor had not responded as of the date of this FCI. The kennel did not have an alternative corrective action in place or planned;
4. In violation of 02 NCAC 52J .0204(a), the following surfaces with which the animals had contact were not impervious to moisture and could not be easily sanitized:
 - a. the damaged dog beds. While some of the damaged dog beds were replaced, many damaged ones continued to be in use;
 - b. the areas where the caulking was missing or inadequate continued to be non-compliant. No corrective actions had been implemented for this violation;
 - c. the unsealed and/or damaged floors in the enclosures, walkways and exercise areas continued to be non-compliant. No corrective actions had been implemented for this violation; and
 - d. the kennels with the white corrosion present continued to be non-compliant. No corrective

actions had been implemented for this violation.

5. In violation of 02 NCAC 52J .0204(c), the damaged dog beds and play accessory equipment continued to have holes and damaged areas that posed a risk of injury to the animals in these enclosures and exercise areas. No corrective actions had been implemented for this violation;
6. In violation of 02 NCAC 52J .0207(d)(2), (3), (4), and (7), the kennel continued to fail to properly clean and sanitize the enclosures, exercise areas and accessories. The overall cleaning had improved but the sanitation was still lacking; and
7. A review AWS inspection reports showed that this facility still does not have an “Approved” FCI for the 2025-2026 licensing year. The boarding kennel license cannot be renewed once it expires on June 30, 2026 until the violations have been corrected so that the kennel achieves an “Approved” FCI report.

On March 31, 2026, AWS conducted an FCI of the PetSmart #595 boarding kennel (cat adoption/boarding area). This FCI was marked as “Contingently/Conditionally Approved” due to the number of violations. The violations included the following:

1. In violation of 02 NCAC .0102(1), a sign-in/out sheet had not been used since 2024;
2. In violation of 02 NCAC 52J .0204(a), the following surfaces with which the animals had contact were not impervious to moisture and could not be easily sanitized:
 - a. the damaged and scratched walls in the cat area; and
 - b. the cardboard that was in place to keep the cats from escaping from the gap between the cat cages and the wall;
3. In violation of 02 NCAC 52J .0204(b), the kennel allowed the cats access to the wood at the bottom of the bank of the cat cages; and
4. In violation of 02 NCAC 52J .0204(c), the cat room was not secure when the cats were free roaming during cage cleaning. The measures the kennel have put into place to minimize the risk of escape were not compliant with the AWA and its rules.

On May 18, 2026, AWS conducted a follow-up FCI for the PetSmart #595 boarding kennel (cat adoption/boarding area). This FCI was marked as “Disapproved” due to the number, severity, and repetitive nature of the violations of the AWA and its associated rules. The violations included the following:

1. In violation of 02 NCAC .0102(1), a sign-in/out sheet continued to be incomplete. The animals were being signed in but not documented when they left the kennel;
2. In violation of 02 NCAC .0201(a), the kennel failed to maintain the facility in good repair as 2 ceiling tiles directly over the cat enclosure were bowing outward and appeared as if they could fall at any point;
3. In violation of 02 NCAC .0201(d)(4), the kennel failed to store clean laundry and bedding in sealed containers or in cabinets with doors;
4. In violation of 02 NCAC 52J .0204(a), the following surfaces with which the animals had contact were not impervious to moisture and could not be easily sanitized:
 - a. the damaged and scratched walls in the cat area;
 - b. the cardboard that was in place to keep the cats from escaping from the gap between the cat cages and the wall; and
 - c. no corrective actions had been implemented to address these previously cited violations.

On May 21, 2026, AWS conducted an FCI of the PetSmart #594 Pets Hotel boarding kennel (“the kennel”). This FCI was marked as “Contingently/Conditionally Approved” due to the number of

violations. The violations included the following:

1. In violation of 02 NCAC 52J .0102(5), the kennel failed to maintain an incident file;
2. In violation of 02 NCAC 52J .0201(b), the kennel failed to protect the electrical outlets in the cat room so that the cats did not have access to them;
3. In violation of 52J 02 NCAC 52J .0201(d)(1), prepped food bowls were not kept in a sealed container to adequately protect the food;
4. In violation of 52J .0201(d)(2), some of the open bags of food were not kept in sealed containers;
5. In violation of 02 NCAC .0201(d)(4), the kennel failed to store clean laundry and bedding in sealed containers or in cabinets with doors;
6. In violation of 02 NCAC 52J .0201(g), the kennel failed to have functional room thermometers in each housing area;
7. In violation of 02 NCAC 52J .0202(b)(2), the kennel failed to clean the air vents as often as necessary to minimize buildup of debris, dust and biological material;
8. In violation of 02 NCAC 52J .0202(d), the kennel failed to maintain the floors in the front play housing area so that the surfaces were impervious to moisture and able to be readily sanitized;
9. In violation of 02 NCAC 52J .0204(a), the following surfaces with which the animals had contact were not impervious to moisture and could not be easily sanitized:
 - a. the damaged dog beds and accessories such as the plastic play equipment;
 - b. the areas such as the front gates where rusting/oxidation was present; and
 - c. the damaged epoxied surface above the tile in the canine suites;
10. In violation of 02 NCAC 52J .0204(b), the kennel allowed the dogs access to the wooden clipboards. These clipboards must be replaced with ones made of material that is impervious to moisture and that can be easily sanitized;
11. In violation of 02 NCAC 52J .0204(h), the kennel failed to provide a solid resting surface in the small dog day area where the floor surface was “pebbled;”
12. In violation of 02 NCAC 52J .0207(d)(1), (2), (3) and (4), the kennel failed to properly clean the primary enclosures, exercise areas, and the accessories twice daily. The kennel also failed to sanitize these areas at least every 7 days and when a new animal was introduced into that enclosure/area;
13. In violation of 02 NCAC 52J .0207(d)(4), the kennel failed to properly clean and/or sanitize the rooms and exercise area as these areas had a thick build-up of hair and debris; and
14. In violation of 02 NCAC 52J .0209(2), the kennel failed to obtain and maintain in the animal’s records written permission from the animals’ owners for the animals to comingle and to update this permission yearly.

This Warning Letter serves as written notice indicating in which respects the kennels violated the N.C. Animal Welfare Act (“AWA”) and the rules issued pursuant thereto. The kennels are directed to immediately comply with the AWA and its associated rules.

Continued or future violations of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against the boarding kennel license for these facilities pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

Your immediate compliance with the N.C. Animal Welfare Act is required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patricia Norris DVM MS".

Patricia Norris, DVM, MS
Director, Animal Welfare Section

cc: Michael Martin, DVM, State Veterinarian
Jonathan Lanier, General Counsel, NCDA&CS
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Lindsey Spain, Special Deputy Attorney General

(See Appendix for text of referenced General Statutes and Administrative Code)

Appendix

REFERENCED STATUTES AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 9; 1987, c. 827, s. 65; 1989, c. 544, s. 18; 2011-145, s. 31.5(b).)

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final

judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

02 NCAC 52J .0102 RECORDS; BOARDING KENNELS

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;
- (3) veterinary care provided while boarded, which shall include date, times of administration, description of medication and initials of person administering product or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency and duration to include the number of dosages or days to be given and the reason for the administration;
- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; and

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0201 GENERAL

- (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
- (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.
- (d) Storage of food and bedding:
 - (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such supplies against infestation or contamination by vermin and insects;
 - (2) all open bags of food and edible treats shall be stored in airtight containers with lids;
 - (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately from soiled laundry and materials; and stored separately from general housing areas for animals; and
- (g) Each facility shall have the ability to confirm ambient temperature. A functional room thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. October 1, 2022.

02 NCAC 52J .0202 INDOOR FACILITIES

(b) Ventilation of indoor facilities:

- (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup of debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow; and
- (3) air flow shall be adequate to minimize odors and moisture condensation.

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture excluding the ground cover options of gravel and grass allowed for in Rule .0203 of this Section.

(b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.

(c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out.

(h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces shall be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0207 SANITATION

(d) Sanitation shall be as follows:

- (1) prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (d)(3) of this Rule;
- (2) in addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule if the same animal is housed in the same enclosure for seven or more days;
- (3) primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be sanitized by:

- (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (B) removal of visible organic matter, precleaning all soiled surfaces with a detergent or degreaser solution, followed by the application, at the correct concentration, of an animal-safe disinfectant labeled to be effective against common pathogens. The disinfectant is to be left on the surfaces for the time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed to remove all residual chemicals and then the area dried prior to returning the animal(s) to this area; or
 - (C) cleaning all soiled surfaces with live steam. The area is to be cooled and dried prior to the return of the animal(s).
- (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;
- (7) any area accessible to multiple animals shall be kept clean and sanitary; and

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.